

## § 1201.52

### **§ 1201.52 What procedures will NARA use to collect amounts I owe to a Federal agency by offsetting a payment that NARA would otherwise make to me?**

(a) Any Federal agency may request that NARA administratively offset funds due and payable to you in order to collect a debt you owe to that agency. NARA will initiate the requested offset only upon:

(1) Receipt of written certification from the creditor agency stating:

- (i) That you owe the debt;
- (ii) The amount and basis of the debt;
- (iii) That the agency has prescribed regulations for the exercise of administrative offset; and

(iv) That the agency has complied with its own administrative offset regulations and with the applicable provisions of the FCCS, including providing you with any required hearing or review; and

(2) A determination by the Archivist that offsetting funds payable to you by NARA in order to collect a debt owed by you would be in the best interest of the United States as determined by the facts and circumstances of the particular case, and that such an offset would not otherwise be contrary to law.

(b) *Multiple debts.* In instances where two or more creditor agencies are seeking administrative offsets, or where two or more debts are owed to a single creditor agency, NARA may, in its discretion, allocate the amount it owes to you to the creditor agencies in accordance with the best interest of the United States as determined by the facts and circumstances of the particular case, paying special attention to applicable statutes of limitations.

### **§ 1201.53 When may NARA make an offset in an expedited manner?**

NARA may effect an administrative offset against a payment to be made to you before completion of the procedures required by §§ 1201.51 and 1201.52 if failure to take the offset would substantially jeopardize NARA's ability to collect the debt and the time before the payment is to be made does not reasonably permit the completion of those procedures. An expedited offset will be followed promptly by the completion of

## 36 CFR Ch. XII (7–1–05 Edition)

those procedures. Amounts recovered by offset, but later found not to be owed to the United States, will be promptly refunded.

### **§ 1201.54 Can a judgment I have obtained against the United States be used to satisfy a debt that I owe to NARA?**

Collection by offset against a judgment obtained by a debtor against the United States will be accomplished in accordance with 31 U.S.C. 3728 and 31 U.S.C. 3716.

## **Subpart F—Administrative Wage Garnishment**

### **§ 1201.55 How will NARA collect debts through Administrative Wage Garnishment?**

NARA will collect debts through Administrative Wage Garnishment in accordance with the Administrative Wage Garnishment regulations issued by the Treasury. NARA adopts, for the purposes of this subpart, the Treasury's Administrative Wage Garnishment regulations in 31 CFR 285.11.

## **PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974**

### **Subpart A—General Information About the Privacy Act**

Sec.

1202.1 What does this part cover?

1202.2 What this part does not cover.

1202.4 Definitions.

1202.6 Whom should I contact for Privacy Act matters at NARA?

1202.8 How does NARA handle records that are in Government-wide Privacy Act systems?

1202.10 Does NARA handle access to and disclosure of records of defunct agencies in the custody of NARA?

### **Subpart B—Collecting Information**

1202.18 How does NARA collect information about individuals?

1202.20 What advisory information does NARA provide before collecting information from me?

1202.22 Will NARA need my Social Security Number?

1202.24 Will NARA ever request information about me from someone else?

## National Archives and Records Administration

## § 1202.4

- 1202.26 Who will make sure that my record is accurate?
- 1202.28 What rules do NARA employees follow in managing personal information?
- 1202.30 How does NARA safeguard its systems of records?

### Subpart C—Individual Access to Records

- 1202.40 How can I gain access to NARA records about myself?
- 1202.42 How are requests for access to medical records handled?
- 1202.44 How long will it take for NARA to process my request?
- 1202.46 In what ways will NARA provide access?
- 1202.48 Will I have to pay for copies of records?
- 1202.50 Does NARA require prepayment of fees?
- 1202.52 How do I pay?
- 1202.54 On what grounds can NARA deny my Privacy Act request?
- 1202.56 How do I appeal a denial of my Privacy Act request?
- 1202.58 How are appeals processed?

### Subpart D—Disclosure of Records

- 1202.60 When does NARA disclose a record in a Privacy Act system of records?
- 1202.62 What are the procedures for disclosure of records to a third party?
- 1202.64 How do I appeal a denial of disclosure?
- 1202.66 How does NARA keep account of disclosures?

### Subpart E—Request to Amend Records

- 1202.70 Whom should I contact at NARA to amend records about myself?
- 1202.72 How does NARA handle requests to amend records?
- 1202.74 How will I know if NARA approved my amendment request?
- 1202.76 Can NARA deny my request for amendment?
- 1202.78 How do I accept an alternative amendment?
- 1202.80 How do I appeal the denial of a request to amend a record?
- 1202.82 How do I file a Statement of Disagreement?
- 1202.84 Can I seek judicial review?

### Subpart F—Exemptions

- 1202.90 What NARA systems of records are exempt from release under the National Security Exemption of the Privacy Act?
- 1202.92 What NARA systems of records are exempt from release under the Law Enforcement Exemption of the Privacy Act?
- 1202.94 What NARA systems of records are exempt from release under the Investiga-

tory Information Material Exemption of the Privacy Act?

AUTHORITY: 5 U.S.C. 552a; 44 U.S.C. 2104(a).

SOURCE: 66 FR 65652, Dec. 20, 2001, unless otherwise noted.

## Subpart A—General Information About the Privacy Act

### § 1202.1 What does this part cover?

(a) This part covers requests under the Privacy Act (5 U.S.C. 552a) for NARA operational records and records of defunct agencies stored in NARA record centers.

(b) This part explains how NARA collects, uses and maintains records about you that are filed by your name or other personal identifiers and which are contained in a “system of records” as defined by 5 U.S.C. 552a(a)(5).

(c) This part describes the procedures to gain access to and contest the contents of your records, and the conditions under which NARA discloses such records to others.

### § 1202.2 What this part does not cover.

This part does not cover:

(a) Records that have been transferred into the National Archives of the United States for permanent preservation. Archival records that are contained in systems of records that become part of the National Archives of the United States are exempt from most provisions of the Privacy Act (see 5 U.S.C. 552a(l)(2) and (l)(3)). See subchapter C of this chapter for rules governing access to these type records.

(b) Records of other agencies that are stored in NARA record centers on behalf of that agency are governed by the Privacy Act rules of the transferring agency. Send your request for those records directly to those agencies.

(c) Personnel and medical records held by the National Personnel Records Center (NPRC) on behalf of the Department of Defense and the Office of Personnel Management. Privacy Act requests for these records should come to the NPRC.

### § 1202.4 Definitions.

For the purposes of this part, the term: